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Alex D. Poon

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SCHWEGMAN, LUNDBERG, WOESSNER &amp; KLUTH/EBAY

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EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

NOTIFICATION DATE

DELIVERY MODE

06/01/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWK.COM

**Office Action Summary**

Application No.

09/730,034

Applicant(s)

POON, ALEX D.

Examiner

Mila Airapetian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (US 6,263,447) in view of Woolston (US 2005/0033655).**

**Claim 1.** French et al. (French) teaches a method for authentication of network users, comprising:

identifying, in the network-based facility, a user associated with a registration process within the network-based facility (abstract and col. 6, lines 14-24);

assigning, in the network-based facility, a verification rating to the user based on accuracy of registration information submitted by the user during the registration process (col. 7, lines 4-12, col. 11, line 28 through col. 12, line 29; the Examiner interprets the "authenticity certainty score" as the "verification rating".

registering the user with the network-based facility if the verification rating exceeds a predetermined threshold, to allow the user to conduct sale and purchase

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transactions with other users in the network-based facility (submitting personal information by the user including name, address, SS#, telephone number, etc, indicates registering step , col. 6, lines 19-24, wherein information provided by the user is accepted if the value of the "authenticity certainty score" (verification rating) of said information is at the increased level of certainty (exceeds a predetermined threshold; col. 12, lines 15-18).

However, French et al. does not specifically teach that said registering step is conducted in an auction environment.

Woolston teaches consignment nodes wherein a consignment node may have four modes of operation: a software download mode, an auction mode, a market mode, and an agent mode [0013].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify French to include that said registering step is conducted in an auction environment, as disclosed in Woolston, because it would advantageously provide the excitement of a "live" auction house type atmosphere to remote participants in an electronic auction, as specifically taught by Woolston [0006].

**Claim 2.** French further teaches:

performing a set of validity checks on the registration information of the user (col. 7, line 46 through col. 11, line 27);

determining a result of each validity check within the set of validity checks (col. 7, line 46, through col. 11, line 27 and col. 12, lines 30-37) ; and

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calculating the verification rating based on the result of each validity check (col.11, line 28 through col.12, line 29).

**Claim 3.** French teaches said method wherein each validity check verifies validity of a corresponding piece of the registration information of the user (col.7, line 46 through col.11, line 37).

**Claim 4.** French teaches utilizing a set of verification rules to define the set of validity checks, and translating the result of each validity check into a numerical value (col.2, lines 48-56, col.12, lines 14-29).

**Claim 5.** French teaches creating a verification detail record using the result of each validity check; and storing the verification detail record in a database (Fig. 13-16, col.5, line 66 through col.6, line 9).

**Claim 6.** French teaches storing the verification rating of the user in a database (Fig.13-16, col.5, line 66 through col.6, line 9).

**Claim 7.** French teaches said method wherein the registration information comprises demographic information of the user (Table 1, col.11, lines 38-51).

**Claim 8.** French teaches maintaining a database of valid demographic information (Table 1, col.11, lines 38-51); and

determining whether demographic information entered by the user matches any of the valid demographic information from the database (Table 1, col.11, lines 38-51).

**Claim 9.** French teaches said method wherein the valid demographic information defines correlation between a plurality of area codes and a plurality of location information (col.7, lines 58-64, col.11, lines 38-51).

**Claim 10.** French teaches said method wherein each of the plurality of location information includes any one of the group comprising country information, zip code information, state information, city information, time zone information, latitude information, and longitude information (col.7, lines 58-64, col.11, lines 38-51).

**Claim 11.** French teaches said method wherein the valid demographic information defines correlation between a plurality of area codes and a plurality of location information (col.11, lines 38-51).

**Claim 12.** French teaches providing user interface information to the user via a communications network, the user interface information specifying a registration interface for obtaining registration information of the user (col.5, lines 33-43, col.6, lines 13-34).

**System claim 13** repeats the subject matter of method claim 1, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 1 has been shown to be fully disclosed by the teachings of French in the above rejections of claim 1, it is readily apparent that the system disclosed by French includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

**System claims 14-25** repeat the subject matter of method claims 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-12 have been shown to be fully disclosed by the teachings of French in the above rejections of claims 1-12, it is readily apparent that the system disclosed by French includes the apparatus to perform these

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functions. As such, these limitations are rejected for the same reasons given above for method claims 1-12, and incorporated herein.

**Claim 26** differs from apparatus claim 13 by reciting "a computer readable medium that provides instruction, which when executed on a processor..." in the preamble. As per this limitation, French's system is implemented on a computer, as it is directed to synthesizing speech automatically (col.5, lines 43-49). As such, French implicitly includes computer elements such as a programmed computer readable medium. The remainder of claim 26 repeats the limitations of claim 13, and are therefore rejected for the same reasons given above for claim 13.

**Claim 28.** French teaches said method wherein the predetermined threshold is proportionate to the type of operation of the network-based transaction facility (col. 2, lines 60-61; col. 3, lines 1-7).

**Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of French and Woolston, as applied to claim 1, in view of Ng (US 6,405,174).**

**Claim 27.** French and Woolston teaches all the limitations of claim 27, except that said method comprises allowing a second user of the network-based auction facility to access an indicator of verification of the user.

Ng teaches web a method for shopping over the Internet comprising allowing a second user of the network-based auction facility to access an indicator of verification of the user (col.14, lines 12-15).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify French and Woolston to include that said method comprises allowing a second user of the network-based auction facility to access an indicator of verification of the user, as disclosed in Ng, because it would allow registered users of the auction facility to rate other users, as well as view other users' ratings to obtain a better understanding of particular user's transaction behavior.

### ***Response to Arguments***

Applicant's arguments filed 03/05/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, French and Woolston references are directed to authentication and verification of the identity of network users.



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In response to Applicant's argument that the prior art does not teach "allowing a second user of the network-based auction facility to access an indicator of verification of the user", it is noted that Ng was applied for this feature (col. 14, lines 12-15).

In response to Applicant's argument that the prior art does not teach "wherein the predetermined threshold is proportionate to a type of operation of the network-based transaction facility", it is noted that French does teach said feature (col. 2, line 61).

### ***Allowable Subject Matter***

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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